

REED SMITH LLP

Formed in the State of Delaware

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Attorneys for Defendant, IndyMac Bank, F.S.B.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY – NEWARK VICINAGE**

JUDE ULOKAMEJE,

Plaintiff,

v.

**RTM MORTGAGE INC., ANTHEM
TITLE AGENCY, ZANA DIKA,
INDYMAC BANK, F.S.B., INDYMAC
BANCORP., JOHN DOE NO. 1-10 AND
ABC CORP. NO. 1-10.**

Defendants.

Civil Action No: 2:08-cv-00367-PGS-ES

**STIPULATION OF DISMISSAL
AS TO CERTAIN COUNTS
OF THE COMPLAINT**

Defendant IndyMac Bank, F.S.B. and Plaintiff (collectively the "Parties") in the above-referenced matter have agreed, through their counsel, to dismiss the following Counts of Plaintiff's Complaint as described herein. The parties have agreed to dismiss the following claims, some of which are dismissed with

prejudice, and all of the claims that are dismissed are done so without attorneys' fees or costs to any party.

(1) Count One for damages under the Truth in Lending Act is dismissed with prejudice. Plaintiff's claims for TILA rescission relief is not affected by this Stipulation;

(2) Count Four alleging an unconscionability claim is dismissed with prejudice;

(3) Count Five alleging an unjust enrichment claim is dismissed with prejudice as to IndyMac Bank only;

(4) Count Six alleging an agency claim is dismissed with prejudice as this is not a separate cause of action;

(5) Count Seven alleging a breach of contract claim is dismissed without prejudice as to IndyMac Bank only;

(6) Count Eight alleging a claim under the Real Estate Settlement Practices Act claim is dismissed without prejudice as to IndyMac Bank only;

(7) Count Eleven alleging an equitable estoppel claim is dismissed with prejudice;

(8) Count Twelve alleging a breach of the covenant of good faith and fair dealing is dismissed without prejudice as to IndyMac Bank only;

(9) Count Thirteen alleging a negligence claim is dismissed with prejudice as to IndyMac Bank only;

(10) All of Plaintiff's claims relating to IndyMac Bancorp, IndyMac Bank's parent company, are dismissed without prejudice; and

(11) Count Ten of the Complaint alleging a breach of fiduciary duty is not alleged against IndyMac Bank.

(12) IndyMac Bank will file an answer by May 29, 2008.

KOLES, BURKE & BUSTILLO, LLP
Attorneys for Plaintiff


John M. Burke

Dated: May 9, 2008

REED SMITH LLP
Attorneys for Defendant
IndyMac Bank, F.S.B.


Diane A. Bettino

Dated: May 9, 2008

5/13/08
As Ordered
Peter H. Hinkle